

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the amendments set forth above and the below remarks.

Claims 28 –35 and 42-55 are pending in the application. No claims are yet allowed. The Examiner has indicated that Claim 53 would be allowable if re-written in independent form including the limitations of the base claim and any intervening claims. Claims 28-35, 42-52, 54 and 55 are rejected. Claims 36-41 have been previously cancelled herein without prejudice. No claims are cancelled by this amendment and no claims are added by this amendment. Claims 28, 29, 42, 44, 45, and 49 - 53 are amended herein. Claims 44, 45 and 49-53 are amended herein to address informalities noticed by the Applicant while preparing this Response and not for any reasons related to any rejection based upon prior art.

In accordance with the revised provisions of 37 C.F.R. §1.121(c) as enacted on July 30, 2003, a marked up version of the amended claims is provided above.

The Examiner rejects Claims 28, 31-35, 42-47, 49 and 50 under 35 U.S.C. §102(b) as being anticipated by Grandmont (U.S. Patent number 2,413,179).

Applicants submit that claim 28 is patentably distinct over the cited reference since the reference neither describes nor suggests providing a plurality of holes in a piece of material, prior to bending the material...[and] punching a fold into said piece of material to form a fin having a side edge and a pair of side walls as called for in claim 28.

To sustain a rejection under 35 U.S.C. §102(b), a single reference must disclose each and every element of the claimed invention.

In this case, the Grandmont reference neither describes nor suggests providing a plurality of holes in a piece of material, prior to bending the material as called for in claim 28.

Claims 31-35 each depend either directly or indirectly from and thus include the limitations of claim 28 and thus each of claims 31-35 are also patentably distinct over the cited reference generally for the reasons discussed in conjunction with claim 28.

Applicants submit that claim 42 is patentably distinct over the cited reference since the reference neither describes nor suggests... a folded fin member ... provided from a thermally conductive sheet having alternating ridges and troughs defining spaced fins having side walls and opposite end edges and wherein the fins are provided having at least one aperture in a side wall thereof.

The Grandmont reference neither describes nor suggests an aperture in a side wall of a folded fin as called for in claim 42. An example of an aperture in a side wall of a fin is shown as aperture 160 in FIG. 5 of the instant application. Aperture 170 in FIG. 5 of the instant application is an example of an aperture in a side edge (also referred to as an end edge) of a fin.

Thus, Applicants submit that claim 42 is patentably distinct over the cited reference.

Claims 43-47 and 49 each depend either directly or indirectly from and thus include the limitations of claim 42 and thus claims 43-47 and 49 are each also patentably distinct over the cited reference generally for the reasons discussed above in conjunction with claim 42.

The Examiner rejected claims 29, 30 and 48 under 35 U.S.C. §103(a) as being obvious in view of Grandmont in combination with Plegat.

Claim 29 depends from and thus includes the limitations of Claim 28. Thus, claim 29 is patentably distinct over the combination of references cited by the Examiner since the

combination of Grandmont and Plegat does not result in a method in which holes are punched into a material prior to bending the material as called for in claim 29.

Claim 29 is further patentably distinct over the combination of references relied upon by the Examiner since the references neither describe nor suggest that ... aligning comprises locating an index hole in said material and using the index hole as a reference point such that when the fin is formed in the material, the fin is provided having an aperture in a sidewall thereof as called for in claim 29.

Claim 30 depends from and thus includes the limitations of claim 29 and thus is patentably distinct over the cited references generally for the reasons discussed above in conjunction with claim 29.

Claim 48 depends from and thus includes the limitations of Claim 42. Thus, claim 48 is patentably distinct over the combination of references cited by the Examiner since the combination of Grandmont and Plegat neither describes nor suggests a folded fin member ... provided from a thermally conductive sheet having alternating ridges and troughs defining spaced fins having a pair of side walls and a side edge and wherein each of the fins are provided having at least one aperture in at least one of the pair of side walls as called for in claim 48.

The Examiner rejected claims 51, 52 under 35 U.S.C. §103(a) as being obvious in view of Grandmont in combination with Plegat and Lee.

Each of claims 51 and 52 depend from and thus includes the limitations of Claim 42. Thus, claims 51 and 52 are patentably distinct over the combination of references cited by the Examiner since the combination neither describes nor suggests a folded fin member ... provided from a thermally conductive sheet having alternating ridges and troughs defining spaced fins having side walls and opposite end edges and wherein the fins are provided having at least one aperture in a side wall thereof as called for in each of claims 51 and 52.

The Examiner rejected claims 54, 55 under 35 U.S.C. §103(a) as being obvious in view of Grandmont in combination with Plegat and McCullough.

Each of claims 54 and 55 depend from and thus include the limitations of Claim 42. Thus, claims 54 and 55 are patentably distinct over the combination of references cited by the Examiner since the combination neither describes nor suggests a folded fin member ... provided from a thermally conductive sheet having alternating ridges and troughs defining spaced fins having side walls and opposite end edges and wherein the fins are provided having at least one aperture in a side wall thereof as called for in each of claims 54 and 55.

In the Office Action dated February 25, 2005, the Examiner objected to claim 53 but indicated that claim 53 would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. Applicants have rewritten claim 53 in independent form including the limitations of base claim 42 and intervening claim 43. Thus claim 53 is now in condition for allowance.

In view of the above amendment and remarks, Applicants submit that claims 28-35 and 42-55 are all in condition for allowance and should be sent to issue and such action is respectfully requested.

The Examiner is respectfully invited to telephone the undersigning attorney if there are any questions regarding this Amendment or this application.

Applicant does not acquiesce to any assertion made by the Examiner that is not specifically addressed herein.

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845.

Dated: 25 AUG 05

Respectfully submitted,

DALY, CROWLEY, MOFFORD & DURKEE, LLP

By: 

Christopher S. Daly

Reg. No. 37,303

Attorney for Applicant(s)

275 Turnpike Street, Suite 101

Canton, MA 02021-2354

Tel.: (781) 401-9988, 11

Fax: (781) 401-9966

csd@dc-m.com